
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SANDRA CK VAN ORNUM,

Plaintiff,

v.

AMERICAN MEDICAL ASSOCIATION,
et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
LEAVE TO AMEND (ECF NO. 107) &
MOTION FOR EXTENSION OF TIME
TO AMEND (ECF NO. 130)**

Case No. 2:14-cv-921-RJS-EJF

District Judge Robert J. Shelby

Magistrate Judge Evelyn J. Furse

On May 31, 2016, *pro se* Plaintiff Sandra C. K. Van Ornum filed a motion for leave to amend her Amended Complaint within a motion requesting an extension of time to oppose several motions to dismiss her Amended Complaint. (*See* “Motion Extension of Time to Answer Motions To Dismiss, Motion Court Leave To Amend Complaint” 1, 8, [ECF No. 107](#).) The Court granted her an extension of time to oppose the motions to dismiss, (*see* ECF Nos. 108, 109, 110), but did not resolve her request for leave to amend.

Subsequently, on August 2, 2016, Ms. Van Ornum requested the Court grant her an extension of time to amend her Amended Complaint, a request embedded within her opposition to several motions to dismiss. (*See* “Memoranda Continuance In Opposition to to [sic] Dkt. Nos. 100 - 106, 113 In Parts; Request Extension of Time to Amend Dkt. No. 98 and Service of Process” 1, 7, 22–23, [ECF No. 130](#).)

Under [Federal Rule of Civil Procedure 15\(a\)](#), a plaintiff wishing to amend her complaint at this stage of the litigation and without the opposing party’s consent must first seek leave of the Court. While Ms. Van Ornum correctly sought leave of the Court to amend her complaint, ([ECF](#)

No. 107), Ms. Van Ornum fails to comply with the Court's local rules governing motions for leave to amend. Under Rule 15-1 of the Rules of Practice for the United States District Court for the District of Utah, a party filing a motion for leave to amend a pleading must attach the proposed amended pleading. DUCiv R 15-1, *available at* <http://www.utd.uscourts.gov/documents/rules.html#DUCivR15-1>. The Court may deny a motion to amend a complaint for failure to submit the proposed amendment. *See Lambertson v. Utah Dep't of Corrs.*, 79 F.3d 1024, 1029 (10th Cir. 1996) (holding the district court did not abuse its discretion in denying plaintiff's motion to amend for failure to provide adequate explanation for delay in seeking amendment and for failure to provide a copy of the proposed amended pleading). Without a copy of the proposed amended complaint, the Court cannot "determine its viability," *id.* at 1030, or understand how the amendment would cure deficiencies in the current Amended Complaint, *see Toone v. Wells Fargo Bank, N.A.*, 716 F.3d 516, 524 (10th Cir. 2013) (noting "the plaintiff must submit a proposed amendment for the court's consideration, or at least specify how an amendment would cure the deficiency"). Because Ms. Van Ornum has not attached a proposed amended complaint to her motion, the Court¹ DENYS her motion for leave to amend, (ECF No. 107).

Regarding her request for an extension of time to amend, (ECF No. 130), the Court has not set a scheduling order in this case, and thus no deadline to submit amended pleadings currently exists. However, Ms. Van Ornum again fails to comply with the Court's local rules. Ms. Van Ornum's request violates DUCiv R 7-1(b)(1)(A), which states a party may not make a motion within a response or reply, but must make such motions in a separate document. In any case, the Court finds her request to extend time to amend moot because the Court has not set any

¹ On January 5, 2015, District Judge Robert J. Shelby referred this case to the undersigned Magistrate Judge under 28 U.S.C. § 636(b)(1)(B). (ECF No. 3.)

deadline to amend pleadings in this case. Thus, the Court DENYS Ms. Van Ornum request for an extension of time to amend her Amended Complaint as moot and in violation of the local rules, ([ECF No. 130](#)).

If Ms. Van Ornum wishes to amend her Amended Complaint, Ms. Van Ornum must seek the consent of the defendants or the Court's leave to amend under [Federal Rule of Civil Procedure 15\(a\)\(2\)](#) and must fulfill the requirements of local rule 15-1 by attaching the proposed amended complaint as an exhibit to the motion for leave to file.

DATED this 19th day of August, 2016.

BY THE COURT:



EVELYN J. FORSE

United States Magistrate Judge